IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

W.P(C).No. 36357 of 2007(C)

PETITIONER:

JOJO MATHEW, AGED 35,
S/O. MATHEW, PULIKOTTIL HOUSE,ARANATTUKARA VILLAGE THRISSUR DISTRICT, PROPRIETOR,M/S. HI-MECH VENTING SERVICES, THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:
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1. **THE DEPUTY COMMISSIONER APPEALS,**
   I.S.PRESS ROAD, ERNAKULAM.

2. **THE COMMERCIAL TAX OFFICER,**
   OFFICE OF THE ASSISTANT COMMISSIONER,
   COMMERCIAL TAXES, THRISSUR.

3. **THE STATE OF KERALA,**
   DEPARTMENT OF FINANCE,
   GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVT. PLEADER, SRI. GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 36357 OF 2007 C

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Dated this the 10th December, 2007

J U D G M E N T

Aggrieved by the assessment under the KVAT Act for the assessment year 2005-06, petitioner has filed Ext. P2 appeal and Ext. P3 application for stay before the 1st respondent. It is submitted that while the appeal and the stay petition are remaining without orders, petitioner apprehends that revenue recovery proceedings will be initiated and it is in this background this writ petition has been filed.

2. Now that the appeal and the stay petition are pending consideration of the 1st respondent, I dispose of the writ petition directing the 1st respondent to take up for consideration Ext. P3 application for stay filed by the petitioner as expeditiously as possible, at any rate within three weeks of production of a copy of this judgment. In the meantime, further proceedings, if any, pursuant to Ext. P1 demand notice shall be deferred for a period of

four weeks from today.

Petitioner shall produce a copy of this judgment before the 1st respondent for compliance.

ANTONY DOMINIC
JUDGE

jan/-